



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2012**

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**ON THE FOLLOWING MEASURE:**

**H.B. NO. 771, H.D. 1, RELATING TO HUMAN SERVICES.**

**BEFORE THE:**

**HOUSE COMMITTEE ON HUMAN SERVICES**

**DATE:** Thursday, February 9, 2012

**TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Andrea J. Armitage, Deputy Attorney General

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Chair Mizuno and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill, but must oppose it.

The measure would require the Department of Defense, Civil Defense Division to create a "Silver Alert" program for missing senior citizens, similar to the Maile Amber Alert program for missing children.

We have concerns about this bill for three reasons. First, based on information from the Honolulu and Kauai Police Departments ("HPD and KPD"), we understand this bill may not be necessary. HPD and KPD, we understand, are submitting testimony outlining their concerns.

Second, unlike children, whose parents can waive confidentiality, senior citizens have privacy rights that should be respected to the greatest extent possible. Senior citizens also have a right to travel on their own. The criteria for posting a Silver Alert as stated in the bill are too vague to justify an encroachment upon a senior's privacy rights without the senior's consent.

- a. Section 3, paragraph (3) of the bill requires the senior to have "an impaired mental condition." This is not defined and could be interpreted very broadly.
- b. The impaired mental condition must be documented by "the family, legal guardian, or physician of the missing senior citizen." The term "family" is not defined. Furthermore, a physician may not be able to disclose the senior citizen's medical information due to federal and state privacy laws.

Finally, adding a Silver Alert to the Maile Amber Alert program could cause the system to be overused and the community to become indifferent to the alerts.

We respectfully ask the Committee to hold this bill.